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November 27, 2017

By ECF and Email

The Honorable Ronnie Abrams
U. S. District Court for the
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Grewal v. Cuneo, Gilbert & LaDuca, LLP
Case No. 13 Civ. 6836

Dear Judge Abrams:

The Court's November 21, 2017 order required Plaintiff to provide the Court and me by noon on November 22 copies of her trial exhibits. (Dkt. No. 267). That deadline was subsequently extended Plaintiff's request to 6 p.m. that day.

After that deadline had passed, I received by email copies of only some of Plaintiff's exhibits. As of this morning, I still have not received hard copies of those documents or any copies Exhibits 1-9, 23, 25, 45, 52, 60-99, 102, 103, and above 104, despite the fact that I have asked Plaintiff more than once to provide the exhibits. Indeed, Plaintiff has totally ignored those requests.

I also have not received the pretrial order, proposed findings and conclusions, and exhibits list that the Court has repeatedly ordered Plaintiff to provide. As a consequence, I am left in the dark regarding the exact nature of the claim that Plaintiff will assert at a trial set to begin tomorrow and of the witnesses and the exhibits that she plans to use as supporting evidence.

Plaintiff has also failed to serve objections to any of the trial exhibits that I delivered to her several days, as required by Individual Rule 6 and Your Honor's orders.

I must emphatically object to Plaintiff's continued failure to comply with the pretrial process established by Your Honor's Individual Rule 6 and orders. That failure has seriously prejudiced my client by violating the fundamental principle of the Federal Rules, the Local Rules, and Your Honor's Individual Rules which is to eliminate trial by ambush and to ensure due process and fairness for all parties.

In expressing that objection, I want to reiterate yet again that Plaintiff is not the typical *pro se* plaintiff. To the contrary, Plaintiff is a member of the Court's bar and has substantial experience litigating complex civil cases. In fact, Plaintiff has participated in complicated discovery and filed and opposed several motions, including to dismiss and for summary judgment. For that reason, there is no reasonable explanation for Plaintiff repeatedly flouting of Your Honor's orders and Individual Rules.

Accordingly, I ask that, at a minimum, Plaintiff be precluded from introducing any of her trial exhibits that had not been provided to me by November 22. I also ask that all of Defendant's trial exhibits included in the binders delivered to the Court and Plaintiff be admitted into the record. That is minimum sanction which can redress the harm inflicted on my client, not to mention the integrity of this Court.

Sincerely


R. Michael Smith

cc: Preetpal Grewal (by email)